

1 William S. Lerach (CSB 68581)
2 Darren J. Robbins (CSB 168593)
3 Travis E. Downs, III (CSB 148274)
4 Lerach Coughlin Stoia Geller Rudman & Robbins, LLP
5 655 West Broadway, Suite 1900
6 San Diego, CA 92101
7 Tel: 619.231.1058
8 Fax: 619.231.7423
9 E-mail: bill@lerachlaw.com
10 darrenr@lerachlaw.com
11 travisd@lerachlaw.com

12 Shawn A. Williams (CSB 213113)
13 100 Pine Street, Suite 2600
14 San Francisco, CA 94111
15 Tel: 415.288.4545
16 Fax: 415.288.4534
17 E-mail: shawnw@lerachlaw.com

18 Attorneys for Plaintiff

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA

21 JOHN DROSKOKSKI, Derivatively on Behalf
22 of EQUINIX, INC.,

23 Plaintiff,

24 v.

25 PETER F. VAN CAMP, KEITH D. TAYLOR,
26 SUSHIL KAPOOR, MARJORIE S.
27 BACKAUS, RENEE F. LANAM, PETER T.
28 FERRIS, BRANDI GALVIN MORANDI,
PHILIP J. KOEN, SCOTT KRIENS, LOUIS J.
LAVIGNE, JR., STEVEN T. CLONTZ,
STEVEN P. ENG and GARY HROMADKO,

Defendants,

-and-

EQUINIX, INC., a Delaware corporation,

Nominal Defendant.

Case No. C 06 6421 JSW

Honorable Jeffrey S. White

**STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL**

1 IT IS HEREBY STIPULATED, by and between plaintiff John Droskokski ("Plaintiff"),
2 individual defendants Peter F. Van Camp, Keith D. Taylor, Sushil Kapoor, Marjorie S. Backaus,
3 Renee F. Lanam, Peter T. Ferris, Brandi Galvin Morandi, Scott Kriens, Louis J. Lavigne, Jr., and
4 Gary Hromadko, and nominal defendant Equinix, Inc. ("Equinix") (collectively, "Defendants"),
5 through their respective counsel of record, as follows:

6 WHEREAS, this action was filed on October 13, 2006;

7 WHEREAS, none of the Defendants has responded to Plaintiff's complaint
8 ("Complaint");

9 WHEREAS, pursuant to the Court's order dated February 20, 2007: (1) the deadline for
10 Equinix to file its motion to dismiss the Complaint on the ground that Plaintiff lacks standing to
11 sue on Equinix's behalf is April 19, 2007; and (2) Equinix and the individual defendants have no
12 obligation to otherwise respond to or move to dismiss the Complaint at this time;

13 WHEREAS, Plaintiff and Defendants have met and conferred concerning this action;

14 WHEREAS, by this Stipulation and [Proposed] Order of Dismissal, Plaintiff and his
15 counsel have agreed to voluntarily dismiss all claims alleged in the instant action without
16 prejudice;

17 WHEREAS, each side agrees to bear its own attorneys' fees and costs and waives any
18 claim against the other, including their counsel, for malicious prosecution, abuse of process,
19 violations of Federal Rule of Civil Procedure 11 or any other claim arising out of, or in any way
20 relating to or in connection with, the initiation, prosecution, assertion, settlement or resolution of
21 this action.

22 NOW, THEREFORE, the parties, through their respective undersigned counsel, hereby
23 stipulate and agree:

24 1. The parties to this action submit this Stipulation and [Proposed] Order of
25 Dismissal pursuant to Rules 41(a) and 23.1 of the Federal Rules of Civil Procedure and request
26 that the Court dismiss this action and all claims alleged therein without prejudice.

27 2. Equinix's motion to dismiss on the ground that Plaintiff lacks standing to sue on
28 Equinix's behalf, which is currently set for hearing on July 27, 2007, shall be removed from the

1 Court's calendar.

2 Dated: April 12, 2007

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS, LLP

3 By: _____/s/
4 Travis E. Downs, III

5 655 West Broadway, Suite 1900
6 San Diego, CA 92101
7 Telephone: (619) 231-1058
8 Facsimile: (619) 231-7423

Attorneys for Plaintiff John Droskokski

9 Dated: April 12, 2007

FENWICK & WEST LLP

10 By: _____/s/
11 Jay L. Pomerantz

12 Silicon Valley Center
13 801 California Street
14 Mountain View, CA 94041
15 Telephone: (650) 988-8500
16 Facsimile: (650) 938-5200

17 Attorneys for Defendants Peter F. Van Camp,
18 Keith D. Taylor, Sushil Kapoor, Marjorie S.
19 Backaus, Renee F. Lanam, Peter T. Ferris,
20 Brandi Galvin Morandi, Scott Kriens, Louis J.
21 Lavigne, Jr., and Gary Hromadko, and
22 Nominal Defendant Equinix, Inc.

23 Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, I
24 attest under penalty of perjury that concurrence in the filing of the document has been obtained
25 from Jay L. Pomerantz.
26
27
28

~~PROPOSED~~ ORDER

PURSUANT TO THE ABOVE STIPULATION, IT IS HEREBY ORDERED that:

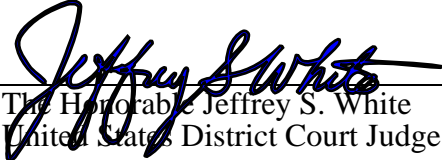
1. Equinix's motion to dismiss, which is currently set for hearing on July 27 2007, shall be removed from the Court's calendar.

2. All of Plaintiff's claims against Defendants are hereby dismissed without prejudice.

3. All parties will bear their own costs and attorneys' fees.

The Clerk of the Court shall close the file.

DATED: April 12, 2007


The Honorable Jeffrey S. White
United States District Court Judge

Mailing Information for a Case 3:06-cv-06421-JSW

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Travis E. Downs, III**
travisd@lerachlaw.com e_file_sd@lerachlaw.com
- **Catherine Duden Kevane**
ckevane@fenwick.com
- **William S. Lerach**
e_file_sf@lerachlaw.com
- **Kalama M. Lui-Kwan**
klui-kwan@fenwick.com slim@fenwick.com
- **Susan Samuels Muck**
smuck@fenwick.com jwebb@fenwick.com
- **Jay L. Pomerantz**
jpomerantz@fenwick.com slim@fenwick.com
- **Darren J. Robbins**
- **Karen Marie Server Renn**
kserver@fenwick.com
- **Jedediah Wakefield**
jwakefield@fenwick.com rjones@fenwick.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)